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10/721,695

11/25/2003

Russell Bonaventura

LEAP:126US

6297

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11/16/2006

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EXAMINER

PRITCHETT, JOSHUA L

ART UNIT

PAPER NUMBER

2872

DATE MAILED: 11/16/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/721,695

Applicant(s)

BONAVENTURA ET AL.

Examiner

Joshua L. Pritchett

Art Unit

2872

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 October 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 2-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 2-21 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 25 March 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

This action is in response to Amendment filed October 6, 2006. Claims 2, 16 and 17 have been amended and claims 19-21 have been added as requested by the applicant.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 2, 4-6, 8, 11 and 16-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Woo (US 6,018,415) in view of Leitz Service ("Ergolux B 0 1-Ersatzteilliste").

Regarding claims 2, 16 and 17, Woo teaches an upper stage (45), a slide mount (42), a rod (43) and a releasable attachment means wherein the releasable attachment means is arranged to directly attach the rod to the slide mount guide (belt and pulley system 60-62); the slide mount guide attached to the slide mount (Fig. 6; col. 5 lines 27-30), the upper stage supports the slide mount (Fig. 1), the upper stage is arranged to move in a first direction in response to a translational movement of the rod in the first direction and the slide mount is arranged to move in a second direction, orthogonal to the first direction, in response to a translational movement

of the rod in the second direction (col. 6 lines 58-62). Upper stage (45) is connected to both the slide mount (42) and the Y direction moving stage (44) so the upper stage must move in both the X and Y direction wherein the shaft is attachable to the slide mount guide to operatively position the shaft on the left or right side of the upper stage (Fig. 6; col. 5 lines 45-55).

Regarding claims 4, 8 and 11, Woo teaches the invention as claimed but lacks reference to the type of releasable attachment and a joystick. Leitz Service teaches the releasable attachment means is a screw (59). Element, 59, is described as a Schraube, which translates to mean a screw. Leitz Service teaches a joystick (25), wherein the releasable attachment means is arranged to attach the joystick to the slide mount (Figure). Leitz Service teaches the rod being substantially solid (Figure). It would have been obvious to one of ordinary skill in the art at the time the invention was made to have the Woo invention include the attachment means and joystick of Leitz Service for the purpose of reliably attaching the rod to allow operation without it falling off and easy movement of the slide mount.

Regarding claim 5, Woo teaches the rod comprises a distal portion, an intermediate portion and a proximate portion (Fig. 4).

Regarding claim 6, Woo teaches the proximal portion is attached to the slide mount, the intermediate portion connects the distal end and the proximal portion and the distal portion is disposed in-space substantially perpendicular to a longitudinal axis of the stage assembly (Fig. 4).

Regarding claim 18, Woo teaches a slide mount guide (51) fixedly connected to the slide mount guide (belt pulley system 60-62), where the releasable attachment means is arranged to attach the rod to the slide mount guide (Fig. 4).

Regarding claims 19-21, Woo teaches the slide mount guide is positioned between the upper stage and the slide mount (Fig. 6).

Claims 3, 9 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Woo (US 6,018,415) in view of Leitz Service ("Ergolux B 0 1-Ersatzteilliste") as applied to claim 2 further in view of Kraft (US 6,049,420).

Woo in combination with Leitz teaches the invention as claimed but lacks the specifics of the rod. Kraft teaches the rod is substantially hollow, circular tube (Fig. 2). Fig. 2 shows in the cut away portion of the rod that the inside of the rod appears to be hollow. Kraft teaches the rod comprises a plurality of grooves substantially parallel to each other (Fig. 2). The crossed marks on the rod shown in Fig. 2 include portions that are substantially parallel. Kraft teaches the rod comprises a plurality of protuberances that are substantially parallel to each other (Fig. 2). The raised portions between the marks on the rod shown in Fig. 2 are substantially parallel. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have the Woo rod include the specifics as taught by Kraft for the purpose of forming a more ergonomic grip for the user to actuate the rod.

Claims 7 and 12-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Woo (US 6,018,415) in view of Leitz Service ("Ergolux B 0 1-Ersatzteilliste") as applied to claim 2 further in view of Nishida (US 2003/0169492).

Woo in combination with Leitz teaches the invention as claimed but lacks reference to a gripping means. Nishida further teaches a gripping means (12) arranged to be detachably

secured to the rod (Fig. 7). Fig. 7 shows a screw used to attach the gripping means (12) to the rod. Nishida further teaches the distal portion of the rod tapering at the end (Fig. 6). It would have been obvious to a person of ordinary skill in the art at the time the invention was made to have the Woo rod be have the features as taught by Nishida for the purpose of allowing the rod to be easier to grip and weigh less to minimize the momentum transfer to the slide mount.

Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over Woo (US 6,018,415) in view of Leitz Service ("Ergolux B 0 1-Ersatzteilliste") as applied to claim 2 further in view of Yoshioka (US 5,907,157).

Woo in combination Leitz teaches the invention as claimed but lacks reference to a square gripping means. Yoshioka teaches the use of a substantially square (28) gripping means, rotatable plate arranged to be detachable secured to the distal portion of the rod (Fig. 2; col. 4 lines 19-30). It would have been obvious to one of ordinary skill in the art at the time the invention was made to have the Woo rod include the Yoshioka square attachment for the purpose of allowing the user to grip the rod in a more comfortable position to allow easier movement of the upper stage through the rod.

Response to Arguments

Applicant's arguments, see Amendment, filed October 6, 2006, with respect to the rejection(s) of claim(s) 2, 16 and 17 under Woo have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new

ground(s) of rejection is made in view of Leitz. Applicant argued the Woo reference failed to teach the releasable attachment means. Leitz teaches the releasable attachment of the rod.

Applicant's arguments, see Amendment, filed October 6, 2006, with respect to claim 18 have been fully considered and are persuasive. The objection of claim 18 has been withdrawn. Applicant amended claim 2 to remove the objectionable subject matter.

Applicant's arguments filed October 6, 2006 have been fully considered but they are not persuasive.

Applicant argues the slide mount as set forth in the rejection above is incapable for acting as a mount because it is not capable for holding a slide. The applicant's specification describes the slide mount as an element enabling the movement of the slide. Element (42) of Woo enables the movement of a slide therefore it meets the definition of a slide mount as set forth in the applicant's specification.

Applicant argues there is no way a specimen could be mounted to element 45 of Woo. The term "mount" is defined as to set on something that elevates (Merriam-Webster's Collegiate Dictionary Tenth Edition). The slide is set on the element 45 of Woo and the slide is thereby elevated. The claim does not require the specimen directly mounted to upper stage.

Applicant argues element 45 of cannot move in any direction other than the Y-direction. The arrows below 45 are not dispositive of only movement in the Y-direction as evidenced by the arrow associated with the dashed lines of the control knob (54) in Fig. 6. The control knob has arrows in only one direction but the control knob has X and Y control knobs (53 and 52

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respectively). The arrows are used only to indicate the main direction of movement. The examiner interprets the Woo disclosure (col. 5 lines 27-31) as element 45 connecting together 44, 42 and the other 44. Therefore the element 45 would be able to move in the X and Y directions as required by the claim language.

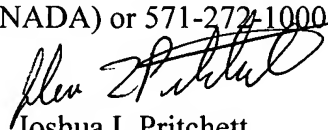
Applicant argues element 45 is not on the upper portion of the Woo assembly. The claim language does not specify any spatial relationship between the upper stage and the other elements set forth in the claim language. Therefore this argument is moot.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joshua L. Pritchett whose telephone number is 571-272-2318. The examiner can normally be reached on Monday - Friday 7:00 - 3:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Drew A. Dunn can be reached on 571-272-2312. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Joshua L Pritchett
Examiner
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